

ORDINANCE NO. 238

AN ORDINANCE PROHIBITING THE UTTERING, PUBLISHING OR USE OF CERTAIN SEDITIOUS LANGUAGE; REGULATING THE USE OF, AND PROHIBITING THE OBSTRUCTION OF, PUBLIC HIGHWAYS, ALLEYS AND SIDEWALKS; PROHIBITING THE OBSTRUCTION OF ENTRANCES AND APPROACHES TO CHURCHES, HALLS, THEATRES, PARKS AND PLACES OF PUBLIC ASSEMBLAGE; PROHIBITING BESETTING, PICKETING, ASSEMBLING AND CONGREGATING FOR CERTAIN PURPOSES; PROHIBITING THE USE OF CERTAIN DEROGATORY, INDECENT AND OPPROBRIOUS LANGUAGE, LOUD AND UNUSUAL NOISE, AND GESTURES FOR CERTAIN PURPOSES; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

The City Council of the City of Lodi, County of San Joaquin, State of California, does ordain as follows:

Section 1. It is unlawful for any person to utter, publish, or use any seditious language, words, remarks, or epithets, or to address to another, any such language, words, remarks or epithets, which create or provoke, or tend to create or provoke, a breach of the peace.

Section 2. It is unlawful for any person to loiter, stand, or sit in or upon any public highway, alley, sidewalk or crosswalk so as to in any manner hinder or obstruct the free passage therein or thereon of persons or vehicles passing or attempting to pass along the same, or so as to in any manner annoy or molest persons passing along the same.

Section 3. It is unlawful for any person to loiter, stand, or sit in or at the entrance of, or approach to any church, hall, theatre, park, or place of public assemblage so as to in any manner obstruct said entrance or approach.

Section 4. It is unlawful for any person to beset or picket the premises of another, or any approach thereto, where any person is employed or seeks employment, or any place or approach thereto where such employee or person seeking employment lodges or resides, for the purpose of inducing such employee or person seeking employment, by means of compulsion, coercion, intimidation, threat, acts of violence, or fear, to quit his or her employment or to refrain from seeking or freely entering into employment.

Section 5. It is unlawful for any person to beset or picket the premises of another, or any approach thereto, for the purpose of inducing others, by means of compulsion, coercion, intimidation, threats, acts of violence, or fear, to refrain from entering such premises, or to refrain from patronizing, negotiating with or transacting business with the owner or occupant of such premises.

Section 6. It is unlawful for any person, in association or agreement with one or more persons, to assemble, congregate, or meet together in the vicinity of any premises where other persons are employed or seek employment, or upon the streets, highway, approaches or places adjacent thereto, for the purpose of inducing such employees or persons seeking employment, by means of compulsion, coercion, intimidation, threats, acts of violence or fear, to quit his or her employment or to refrain from seeking or freely entering into employment.

Section 7. It is unlawful for any person, in association or agreement with one or more persons, to assemble, congregate or meet together in the vicinity of the premises of another, or upon the streets, highways or approaches thereto, for the purpose of inducing others, by means of compulsion, coercion, intimidation, threats, acts of violence or fear, to refrain from entering such premises, or to refrain from patronizing, negotiating with or transacting business with the owner or occupant of such premises.

Section 8. It is unlawful for any person to utter to, or within the hearing of, another, any derogatory, indecent, opprobrious epithets or language, or to make any loud or unusual noise, or to speak in a loud or unusual tone, or to cry out or proclaim, or to use any gestures for the purpose of inducing any person, by means of compulsion, coercion, intimidation, threats, acts of violence, or fear, to quit his or her employment or to refrain from seeking or freely entering into employment, or to refrain from patronizing, negotiating with, or transacting business with any other person.

Section 9. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by imprisonment in the City or County Jail not exceeding three months, or by a fine not exceeding three hundred dollars (\$300.00), or by both such imprisonment and fine.

Section 10. Nothing herein contained shall be deemed or held to prohibit peaceable picketing, nor to prohibit labor from attempting to accomplish its aims in trade disputes by other peaceable means, including collective bargaining.

Section 11. This ordinance is hereby declared to be an urgency measure, necessary for the immediate preservation of the public peace, health and safety. The facts constituting the urgency are briefly declared to be as follows:

There now exists in the City of Lodi a situation created by certain agitators and opponents of our form of government which threatens to seriously interfere with the orderly conduct of business of all kinds; which threatens to cause great disorder and many breaches of the peace; and which threatens to attract criminal, vicious and other undesirable characters to said City. For the reasons stated this ordinance shall take effect immediately after its adoption and publication as required by law. Said ordinance is effective only in the incorporated territory of the City of Lodi.

Section 12. Before the expiration of Fifteen (15) days after its adoption this ordinance shall be published, with the names of the members of the Lodi City Council voting for and against the same, for at least one week in the Lodi News-Sentinel, a newspaper of general circulation, printed and published in the City of Lodi, County of San Joaquin, State of California.

Section 13. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Lodi City Council hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause or phrase thereof irrespective of the fact that one or more of the sections, sub-sections, sentences, clauses, or phrases thereof be declared unconstitutional or invalid.

APPROVED this 3rd day of May, 1937.

Otto A. Weihe

Mayor.

ATTEST:

J. H. Beasley
City Clerk

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The foregoing Ordinance No. 238 was regularly introduced at a regular meeting of the City Council held on Monday, April 19, 1937, and was thereafter finally passed, adopted and ordered to print on the 3rd day of May, 1937 by the following vote:

Ayes: Councilmen, Graffigna, Spooner, Clark & Weihe

Noes: Councilmen, None

Absent: Councilmen, Steele

J. H. Beasley
City Clerk